

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

C. LYNETTE THOMAS,
Plaintiff,

Civil No. 04-71195
Hon. John Feikens

v.

ROBERT ZIVIAN, et al.
Defendants.

OPINION AND ORDER

Plaintiff C. Lynnette Thomas, the mother of Nina, Felip, and Carmen Ramos, brings this case alleging that the Michigan courts failed to give the Full Faith and Credit demanded by the United States Constitution to a decision of the Ohio courts regarding custody of plaintiff's three children. Even if this were in fact the case, the Michigan court has already weighed this issue, and therefore this Court has no power to overturn the decision of the state court. When a state court decides an issue of federal or Constitutional law, that decision is final and becomes res judicata. See, e.g., Cox Broadcasting Corp. v. Cohn, 420 U.S. 469 (1975). The only federal court that can overturn such a decision is the United States Supreme Court. The proper way to appeal the state court's decision on grounds that the Full Faith and Credit Clause has been violated (and/or that Michigan courts made their decision in error given M.C.L §722.722.1303, which governs enforcement of out-of-state child custody determinations) is to appeal the decision through all levels of the state court system and finally to the Supreme Court.

Therefore, since I have no power to order a stay of the state court proceedings or to give any other relief that is requested by Thomas, this case is DISMISSED.

IT IS SO ORDERED.

John Feikens
United States District Judge

Date: _____